

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:04CV00722 AGF
)	
J & S COMPANIES, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court¹ on the unopposed supplemental motion filed by Plaintiffs seeking attorney's fees and costs, and to close the case. Defendant is a corporation obligated under a collective bargaining agreement to make monthly contributions to the funds on behalf of its employees, based upon the number of hours employees worked. In this action, filed under the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1145, Plaintiffs seek to recover delinquent contributions due the funds and to ensure Defendant's continued compliance with its obligation to make monthly contributions. By Memorandum and Order dated May 23, 2005, this Court granted Plaintiffs' two motions for partial summary judgment, ordering Defendant to make certain payments due through January 31, 2005. Thereafter, the Court denied without prejudice Plaintiffs' motion for interim fees and costs.

¹ The parties have consented to the exercise of authority by the undersigned United States Magistrate Judge under 28 U.S.C. § 636(c).


In the present motion, Plaintiffs ask that claims against Defendants for any amounts owed after January 2005 be dismissed without prejudice, and that the case be closed. Plaintiffs also seek attorneys' fees and costs in the total amount of \$11,056.47, under 29 U.S.C. § 1132(g). Defendant has not responded to the motion. Upon review of the file, the Court concludes that Plaintiffs' motion should be granted. The request for fees is supported by proper documentation, and Plaintiffs are entitled to said fees and costs under 29 U.S.C. § 1132(g).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion to dismiss without prejudice claims against Defendant for amounts owed after January 2005 is **GRANTED**. [Doc. #64]

IT IS FURTHER ORDERED that Plaintiffs' supplemental motion for fees and costs is **GRANTED** in the amount of \$11,056.47. [Doc. #64]

A separate Judgment shall accompany this Memorandum and Order.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 24th day of October, 2005.